

<p style="text-align: center;">CERTIFICATE OF ELECTRONIC TRANSMISSION 37 C.F.R. § 1.8</p> <p>I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office via EFS-Web on the date below:</p> <p>January 25, 2010 Date</p> <p style="text-align: right;">Gina N. Shishima</p>
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mark J. RATAIN *et al.*

Serial No.: 10/591,228

Filed: July 18, 2007

For: POLYMORPHISMS IN THE
EPIDERMAL GROWTH FACTOR
RECEPTOR GENE PROMOTER

Group Art Unit: 1643

Examiner: Holleran, Anne L.

Atty. Dkt. No.: ARCD:404US

Confirmation No.: 4349

RESPONSE TO RESTRICTION REQUIREMENT
DATED SEPTEMBER 24, 2009

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

This paper is submitted in response to the Restriction Requirement dated September 24, 2009 for which the date for response was October 24, 2009.

A request for a three-month extension of time to respond is included herewith along with the required fee. This three-month extension will bring the due date to January 24, 2010 (which fell on a weekend, bringing the due date to January 25, 2010) which is within the six-month statutory period. Should such request or fee be deficient or absent, consider this paragraph such a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 from Fulbright & Jaworski L.L.P. Account No.: 50-1212/ARCD:404US.

The **Listing of Claims** begins on page 2. **Remarks** begin on page 7.